

Puget Sound Leadership Council
Meeting Summary
WWU, Viking Union Room 565
516 High Street
Bellingham, Washington
September 2 & 3, 2009

DAY 1

Members Present:

- Bill Ruckelshaus
- Martha Kongsgaard
- Diana Gale
- Dan O'Neal
- Steve Sakuma
- Bill Wilkerson

*It is intended that this summary be used along with notebook materials provided for the meeting.
A full recording of this meeting is retained by Puget Sound Partnership as the formal record.*

Action Items:

- Approve Meeting Summaries - November 11, 2008, and July 16 & 17, 2009
- Approve appointment process for Science Panel
- Approve revised meeting schedule for the remainder of 2009

Meeting Summary:

- Agency Update
- State of Sound Report and Performance Management Framework
- Vesting in Washington – Policy Review
- Science Panel Appointment Process
- Draft Meeting Schedule for Remainder of 2009 and 2010
- Partner Designation Process
- 2010 Legislative Session
- Oil Spill Advisory Responsibility Issues
- Progress on Local Integration
- PSP Tribal Coordination Protocol Agreement

Day 1

9:00 a.m. CALL TO ORDER – Bill Ruckelshaus, Chair

The Council was welcomed to the University by Dean Brad Smith, Huxley College of the Environment. Dean Smith discussed work being done in the city of Bellingham and at the College in partnership with the Partnership and reported that he was recently appointed to the Fish and Wildlife Commission.

Ecosystem Coordination Board members, Bob Kelly and Randy Kinley also welcomed the Council to the Whatcom Action Area and stressed the need to get to work.

David Dicks reported that staff has been working on a protocol agreement with the Tribes that Randy was instrumental in starting.

AGENCY UPDATE

David Dicks provided an update on what has happened with Puget Sound Partnership since the last meeting. (See meeting materials for details.)

Highlights included:

- An update on natural resource agency reform, the draft report will be out for comment on September 9, David will provide it to the Council
- David reviewed the Agency work plan and will bring to the Council for approval at its October or November meeting. He explained how the work of the agency has been sorted into three buckets (protection, restoration, and reduction work).
- A “Puget Sound Starts Here” Campaign will start in September – this is a STORM and Partnership joint campaign

State Representative Kelli Linville welcomed the group to Bellingham. She will join the legislative discussion on day 2 of the meeting.

Chair Ruckelshaus reported that the Puget Sound Foundation is focusing its work on citizen science and a ‘My Sound’ campaign using grant money it received from The Boeing Company.

PUBLIC COMMENT PERIOD

Sue Blake, WSU extension, welcomed the group to Bellingham and noted that Kristen Cooley will be meeting with the newly reinstituted Whatcom Institute on September 21.

Lincoln Loehr, works on wastewater and, in looking at the toxic loading studies, he found troubling problems with the calculations and cautioned the Council on quoting from them in a public campaign. He has been working with the Department of Ecology on the things he has found.

David will follow up with Ecology Director, Jay Manning, and make sure the information is correct before releasing statistics.

Heather Trim, People for Puget Sound, offered different opinion from Lincoln. She has been working on these studies and they have been excellent. The numbers are not

perfect but they are in the correct context when publishing. They have criticized Ecology for being too conservative in their numbers.

**STATE OF THE SOUND REPORT AND PERFORMANCE MANAGEMENT
FRAMEWORK – Jim Cahill, Martha Neuman, David St. John, and Scott Redman**
(See meeting materials for details.)

State of the Sound Report

Scott reviewed due dates for upcoming reports:

- State of the Sound – due November 1 of odd years and is a Council product
- Puget Sound Science Update – due April 1 of even years and is a Science Panel product

Jim Cahill provided an overview of the State of Sound outline, components, process, and timeline for completion.

Diana voiced concern with the funding gap and her belief that agencies should estimate based on the amount of money available. Jim explained the need to estimate with the state budget process. Scott Redman explained the difference between aspirational targets and benchmarks. Dan O'Neal noted the continuing terminology problem.

Diana asked to Flag – In Performance Management who is responsible if there is a gap in the funding.

Chair Ruckelshaus noted that it is the Leadership Council's responsibility to hold entities accountable. Jim suggested the Council adopt plans by benchmarks rather than by funding.

Scott Redman reviewed the process used to develop the current draft list of Ecosystem Indicators to use in 2009 reporting. He is requesting a Leadership Council decision on the final list of indicators to use.

The Council discussed how it needs to be honest with where we are today and where we want to be in the future. We know a lot but don't have the answers yet and will have to take a stand on some things and, even if we aren't 100% sure of the answer, we still need to move ahead.

Randy Kinley provided comments on the proposed indicators. He noted that the problem is that the Tribes are being asked to approve something that they had very little input in and haven't had time to mull over yet. He suggested changing the shellfish indicator to include all shellfish growing areas not just commercial.

David noted the need to get the indicators moving and committed to the Partnership getting together with tribal biologists to review the indicators between today and the next Science Panel meeting.

Bill Wilkerson discussed how, if approved, as of today these are the indicators that we believe will help to restore the Sound. The discussion of the indicators will be a continuing discussion as data is collected and knowledge is gained where the current list of indicators may be changed or added to. Bill Wilkerson then **MOVED** to approve the proposed list of indicators, adding the commitment to work with the Tribes and to include a public comment period. He and Martha Kongsgaard will continue to work with the Tribes.

Martha Kongsgaard **SECONDED** the motion. Council **APPROVED** the proposed list of indicators for 2009 reporting listed below.

1. Human Health

- a. Safety of seafood**
 - i. Shellfish growing area classifications/closures
 - ii. Biotoxin closures
 - iii. Fish consumption advisories
- b. Safety of water**
 - i. Public drinking water
 - ii. Marine beaches for swimming

2. Human Well-being

- a. Working resource lands and industries**
 - i. Shellfish harvest
 - ii. Finfish harvest
 - iii. Marinas
 - iv. Timber harvest
 - v. Land in farms
- b. Nature based recreation**
 - i. Scenic & sightseeing recreation
 - ii. Wildlife viewing days
 - iii. Index of user days for activities related to healthy ecosystem

3. Species and food webs

- a. Species of greatest conservation concern**
 - i. Counts & lists by system, habitat type, etc.
- b. Flagship species**
 - i. Pacific herring
 - ii. Salmon

1. Listed salmon
 - a. Adult Chinook & Hood Canal summer chum reported as in 2008 State of Salmon in Watersheds
 - b. Juveniles for Chinook and Hood Canal summer chum
 2. Non-listed salmon:
 - a. Coho
 - b. Chum
 - c. Pink
 - iii. Red-legged frog
 - iv. Pileated woodpecker
 - v. Madrone or Woodwardia
 - vi. Southern resident orcas
 - c. Food webs
 - i. Note on future of this attribute/indicator
- 4. Habitat**
 - a. Extent of ecological systems
 - i. Coarse scale
 1. Distribution of ecological systems and human footprint
 2. Change in forest canopy & forest stands
 3. Change in % impervious
 - ii. Fine scale
 1. Change from historic shore forms
 2. Eelgrass
 3. Oak grasslands
 4. Freshwater wetlands
 - b. Condition of ecological systems
 - i. Freshwater benthic invertebrates (BIBI)
 - ii. Marine benthic communities
 - iii. Note on upcoming river & stream habitat quality index from new status & trend monitoring program
 - iv. Note on future development of habitat connectivity indicators and/or indices
- 5. Water Quantity**
 - a. Streamflow
 - b. Hydrologic regime
- 6. Water Quality**
 - a. Toxic chemical contamination
 - i. Marine benthic conditions
 1. English sole

- 2. Marine sediment
 - ii. Marine pelagic conditions
 - 1. Herring
 - 2. Note about mussels as better pelagic indicator
 - iii. Freshwater conditions
- b. Water quality index
- i. Marine WQI
 - ii. Freshwater WQI

Performance Management Data and Monitoring Program - Update

Jim handed out several examples of reporting layouts for status and trends (Section 2) and action tracking (Section 3). He noted that we won't have the threats ranked and ready for the November 1 report but already have the actions ranked in the Action Agenda.

There was confusion on how the performance management system and status and trends link and where the threats come from. Jim handed out a high level results chain paper to help show the connection. Chair Ruckelshaus asked for a chart above this level that shows how all the pieces link. David St. John explained that staff is working on this picture for inclusion in the report so that we can communicate the linkages clearly.

The Leadership Council would like result chains and benchmarks included in the report and list the other result chains that will come out later. These need to be real world examples that people will understand – need to err on the side of the Sound and tell the story. They also want to be clear about when we will have the pieces that are missing from the report.

Staff will include 1 or 2 results chain examples on benchmark and target. These will be discussed at the September 15 cross Partnership Workgroup meeting and then staff will bring to the combined Leadership Council, ECB, Science Panel meeting on September 25 for review and discussion with final decision being made at the October 8 Leadership Council meeting.

VESTING IN WASHINGTON, POLICY REVIEW– Senator Kline (See meeting materials for details.)

Senator Kline explained vesting in Washington State, which is case law not a legislative mandate. He explained that whatever permitting law is in place at the time the development application is filed is frozen in place at that time and keeps it frozen throughout development.

He discussed how when counties plan to make revisions to their county codes and regulations they must put out a notice for the open public meeting. The notice is a flag to the developers who then apply for development, which freezes the current laws in place for their project.

He agrees that there should be a law that freezes the laws in place just not too far in advance of the project and not forever.

Senator Kline would like the Leadership Council to make a recommendation to the Legislature in 2010 session to make changes in vesting laws. He would allow the smaller developer (1 – 3 or 4 houses) to be exempt from the change in law and focus more on the bigger developments.

Chair Ruckelshaus noted that before the Council makes any decision on what to do concerning vesting of development rights it needs to hear from the other side of the issue and learn more about the issue.

Senator Kline will send variations of his bills for the Leadership Council to use as a starting point.

Staff will arrange a presentation from someone on the other side of the issue at an upcoming Council meeting.

SCIENCE PANEL APPOINTMENT PROCESS – Martha Kongsgaard and Lynda Ransley (See notebook handout for details.)

Martha Kongsgaard reviewed the proposed process to use for selection of the Science Panel members. The Council suggested including the president of the Washington State Academy of Science on the subcommittee reviewing the applications.

Bill Wilkerson **MOVED** to adopt the recommendation as presented and including the president of the Washington State Academy of Science on the subcommittee. Dan O'Neal **SECONDED**. Council **APPROVED** the Science Panel Appointment Process.

DRAFT MEETING SCHEDULE FOR REMAINDER OF 2009 AND 2010 – Tammy Owings (See meeting materials for details.)

Revisions to Schedule for remainder of 2009

Tammy Owings presented a revised 2009 meeting schedule including:

- Addition of a joint ECB, Science Panel, and Leadership Council meeting on September 25,
- Cancellation of the December 8 regular meeting date,

- Addition of a December 7-8 Leadership Council Retreat, and
- Addition of a Conference Call meeting in October for approval of the State of the Sound Report prior to November 1.

Dan O'Neal **MOVED** approval of the revised schedule. Bill Wilkerson **SECONDED**. The Council **APPROVED** revisions to the 2009 schedule.

Draft 2010 Meeting Schedule

Tammy presented a draft Leadership Council meeting schedule for 2010. Council members asked to revise the proposed schedule to include meetings every month in 2010 except for February and August.

Tammy will work with Council members to revise the proposed schedule using the following criteria:

- Keep the current list of proposed dates as 2-day meetings,
- Add new dates as 1-day meetings on Thursdays,
- Plan for three meetings in various places around the Sound and the remainder of the meetings along the I-5 corridor (Olympia, Tacoma, or Seattle), and
- Plan for a tour or open mike opportunity when meeting in the various Action Areas.

Approved the July 16-17, 2009, and November 11, 2008 Meeting Summaries

Bill Wilkerson **MOVED** approval of the meeting summaries. Martha Kongsgaard **SECONDED**. The Council **APPROVED** the July 16-17, 2009, and November 11, 2008, meeting summaries as presented.

PARTNER DESIGNATION PROCESS – Michael Grayum (See meeting materials for details.)

Michael Grayum reviewed the proposed timeline and criteria for Partner designation.

The Council discussed the pros and cons in a Partner program and ways to move forward. This is a big workload.

It was suggested to have both Champions and Partners. Anyone could be a Champion and this would be a program for recognition of good work being done around the Sound where Partners are financially driven and part of the grant and loan process.

Bill Wilkerson suggested proposing a statute change to remove the Partner designation requirement.

Diana noted that the statute does not have any requirement for everyone to be designated within any timeframe so could do a pilot program. The Council discussed looking at the Tribes and Ports as pilot groups.

Jim Cahill reminded the Council of the need to make sure those receiving the state grant and loan moneys are the first group to be designated as Partners.

This issue will come back to the Council for additional direction and process approval in November.

4:55 p.m. RECESS FOR EVENING

Puget Sound Leadership Council
Meeting Summary

September 2 & 3, 2009
Bellingham, Washington

DAY 2

Members Present:

- Bill Ruckelshaus
- Martha Kongsgaard
- Diana Gale
- Dan O'Neal
- Steve Sakuma
- Bill Wilkerson

8:30 a.m. RECONVENE MEETING – Bill Ruckelshaus, Chair

The group was welcomed by Western Washington University President Bruce Shepard. Although he is new to the area, he is proud to call Puget Sound home. President Shepard offered the resources of the University to assist with the effort. He noted that the new mission for the University is to be a publicly purposed university and be wise stewards of place. They are looking at innovative ways to meet this mission and to be here to serve the public and will be asking the Partnership, along with the rest of the public, for input on their mission.

2010 LEGISLATIVE SESSION – David Dicks, Michael Grayum, and Jim Cahill (See meeting materials for details.)

Michael Grayum reviewed the outcomes from the 2009 legislative session and looking forward to the 2010 session. The Puget Sound Partnership wants to be a catalyst for positive change in Puget Sound and coordinating the implementation of the Action Agenda.

Representative Linville provided an update on the budget work ahead of the Legislature for this session. She reported that there will be additional budget cuts, the Partnership has a great plan and taking care of Puget Sound is very important to the Legislature. She is asking the Leadership Council, unless there is an identified fund source, to look at tradeoffs and priorities when choosing actions to be implemented this session.

David Dicks discussed the desire to pursue some of the 'no' or 'low' cost changes such as regulatory reforms or policy changes.

Representative Linville reminded the Council that this will only be a 60-day session so she appreciates the Council working on the processes early. She noted the need to be

sensitive to the fact that it is not time to bring forward initiatives that would be hard regulatory issues – if the Council has issues that are well received and have agreement then those should be okay. The Legislature will need to focus on the budget first so focus on issues that absolutely have to be done this session.

Everyone agreed with the need to work together on roles, plans, and coordination and discussed how we can't build trust by telling each other to trust each other, but by working on smaller projects, building trust in the others, and building on relationships. Representative Linville looks forward to working with the Partnership and keeping the Action Agenda moving along and making it a reality.

David Dicks provided a federal legislative update and noted that there will be a bill discussed that would put Puget Sound in the same category as the Chesapeake and Everglades with a dedicated budget.

The Council asked what the Partnership's legislative agenda will include. David reported that staff are drafting proposals on fee in lieu, a stormwater bill that adds a fee on oil, district legislation for creation of a taxing district in Puget Sound, and smart reform bills that are low cost. This list will continue to be refined.

The Council asked about the natural resource agency reform effort. David has little news about what will really happen but something will. Chris Townsend reported that all the proposals in the draft report would put the Partnership into a larger agency and no longer a standalone agency.

The Leadership Council suggested having a discussion on the 2010 legislative session and how to coordinate efforts as an agenda item during the September 25 combined meeting.

OIL SPILL ADVISORY RESPONSIBILITY ISSUES – Michael Grayum (See meeting materials for details.)

Michael provided an update on the oil spill advisory efforts and next steps. He reported that this same presentation will be presented to the ECB at its October meeting.

Martha Kongsgaard discussed her concern with the Council getting this role, the Oil Spill Advisory Council covered the whole state, which is outside the Council's purview and expertise in addition the funding provided for this work was not adequate to do the work. The Council may have to say out loud to the public and the Governor that this is not a good fit.

The Council discussed how to work on this issue and what areas are covered. Although the Council agrees the Partnership doesn't have the capacity or the funding to do this work, it is an important issue for the State and needs to be resolved.

Dale Jensen from Ecology presented an overview of Ecology's Oil Spill program (prevention, preparedness, response, and restoration) and role in oil spill efforts. (See meeting materials for details.) He provided his thoughts on what the Council could do – help to not get complacent, work toward legislation, manage expectations, and public education – we are partners in this issue.

Dan Doty from the Washington Department of Fish and Wildlife (WDFW) provided an overview of WDFW's role in oil spill efforts including wildlife protection, oiled wildlife rescue and rehabilitation, and damage assessment and restoration. (See meeting materials for details.)

An oil spill costs somewhere between \$10,000 and \$20,000 per gallon to clean up.

This issue will come back to the Council for additional direction and decisions at future meetings.

PROGRESS ON LOCAL INTEGRATION – Joe Ryan and Panel (See meeting materials for details.)

Joe introduced the panel consisting of:

- Randy Kinley, Lummi Nation
- John Hutchinson – Whatcom County
- Theresa Jennings, King County
- Scott Brewer, Hood Canal Coordinating Council

John Hutchinson provided thoughts on water resource integration in the Whatcom County Action Area. This process was used for improving coordination and oversight, deploying good science, and building local capacity.

Randy Kinley discussed how it took a leap of faith for his Tribe to work with the consultants on 2514. The Tribes are hesitant but the Shared Strategy process was respectful of the Tribes and worked well together. He reminded the Council that Tribes can bring things to the table that others can't both technically and politically.

Theresa Jennings discussed how the South Central Action Area is different with no central coordinating entity. She is hoping to get a group in place during her interim position. She doesn't want to create another group since there are already so many, so has decided to develop a caucus group. She started working on this in July talking to all the existing groups. The caucus will have both represented entities and those who are

just on the mailing list but all will be working to clean up Puget Sound. She is hearing that people are waiting for the Partnership to tell them what to do.

Chair Ruckelshaus pointed out that most of what the Council believes needs to be done is in the Action Agenda and each Action Area has a profile of projects.

Theresa would still like the Partnership to give top priorities and deadlines on when to get those done.

David Dicks discussed the process being used with the state agencies for setting goals and activities to work on. He asked the Panel if they thought this approach would be helpful in the Action Areas.

Theresa, John, and Randy think this would be a good idea as long as the Partnership focuses on results oriented projects, bring the resources and expertise, and present in a friendly manner – not telling them what to do.

Scott Brewer wants to say “no” right now but to explain that answer. He believes the Hood Canal Action Area representatives know what to do and how to do it but need the capacity and that is where the answer would become “yes.” The Hood Canal Coordinating Council (HCCC) is working on its strategic plan and they will be asking the Partnership for capacity funds, and for peer review of the HCCC plan.

Martha Kongsgaard noted that the HCCC was called out specifically in the statute for the Partnership to work with them. Bill Wilkerson pointed out how this discussion helps to show that one size does not fit all and he offered help to the HCCC.

Joe Ryan explained the process being used to integrate the Action Areas and explained how Hood Canal and Whatcom are close to getting their entity in place. Once this is completed he will work with them to set up an agreement.

Chair Ruckelshaus agreed with the need for more resources and pledged as much support by the Partnership as possible.

WATERSHED CHARACTERIZATION UPDATE – Chris Townsend

Chris provided an update on the watershed characterization work.

Chair Ruckelshaus suggested working closely with Joe to make sure the Action Area groups know what is coming forward. Chris reassured the Council that this is being coordinated.

PSP TRIBAL COORDINATION PROTOCOL AGREEMENT – Chris Townsend

Chris Townsend reported that the Partnership is working with the Tribes to develop a protocol much like the Ecology Tribal Environmental Council. He is asking to have a small workgroup to continue work on this and to bring back to the October Council meeting for finalization.

Bill Wilkerson and Martha Kongsgaard will work with Chris on this issue. The Council is supportive of this effort.

PUBLIC COMMENT PERIOD:

Naki Stevens, People for Puget Sound, reported that she has got a new job and will be going to work the Department of Natural Resources to work on Puget Sound issues. She thanked the Council for letting her present at meetings and looks forward to working with the group in the future. She provided the Council with a beach guide and pamphlet on how to join People for Puget Sound. (See meeting materials for details.)

Chair Ruckelshaus wished her good luck in her new position and thanked her for her work with People for Puget Sound.

Fred Felleman, WAVE Consulting, discussed oil spills and noted his dismay of basic lack of clarity on what the Council should do for this issue. He believes there has been ample time on what should be done – clear that the way the OSAC handled its assignment caused it to be dismantled but that the work was important to be continued thus came to the PSP. He provided his thoughts on the oil spill work and needs and provided his tribal fishing vessel proposal. (See meeting materials for details.)

Bill let Fred know that the Partnership believes oil spills is a very important issue but that it is not within the Partnerships area of expertise

Elizabeth Kranowski, citizen, appreciated the Council meeting in Bellingham and noted how important it is to the citizens for the Council to meet locally.

12:24 p.m. ADJOURN

Leadership Council Approval



Bill Ruckelshaus, Chair

October 8, 2009
Date

Next Meeting: Next meeting October 8, 2009
Senate Hearing Room #3
Olympia, Washington